

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

## UNITED STATES DISTRICT COURT

for the  
Middle District of Pennsylvania

\_\_\_\_ Division

Andre O'Brien et al

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

York County Prison et al

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

3:18cv1320

(to be filled in by the Clerk's Office)

Jury Trial: (check one)

☐ Yes☒ NoFILED  
SCRANTON

JUN 29 2018

PER

DEPUTY CLERK

## COMPLAINT FOR A CIVIL CASE

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Andre O'Brien

Street Address

City and County

3400 Concord Rd

State and Zip Code

Telephone Number

York PA. 17402

E-mail Address

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

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Defendant No. 1

Name  
Job or Title (if known)  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address (if known)

ATTORNEY General of PA  
STRAWBERRY SQ Harrisburg  
PA 17120 16TH FLOOR

Defendant No. 2

Name  
Job or Title (if known)  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address (if known)

YORK COUNTY Prison  
Commissioner office 28 E.  
MARKET STREET YORK PA  
17401

Defendant No. 3

Name  
Job or Title (if known)  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address (if known)

YORK COUNTY Prison WARDEN  
3400 Concord Rd. YORK  
PA. 17402

Defendant No. 4

Name  
Job or Title (if known)  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address (if known)

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

☒

Federal question

☐

Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

42 U.S.C. 1983

**B. If the Basis for Jurisdiction Is Diversity of Citizenship****1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, (name) Andre O'Brien, is a citizen of the  
State of (name) Pennsylvania.

**b. If the plaintiff is a corporation**

The plaintiff, (name) \_\_\_\_\_, is incorporated  
under the laws of the State of (name) \_\_\_\_\_,  
and has its principal place of business in the State of (name) \_\_\_\_\_.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

**2. The Defendant(s)****a. If the defendant is an individual**

The defendant, (name) \_\_\_\_\_, is a citizen of  
the State of (name) Pennsylvania. Or is a citizen of  
(foreign nation) \_\_\_\_\_.

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## b. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.

Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

## 3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

\$ ~~3,000,000,000~~ 3,000,000

## III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

## IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

"Correctional Need classes"

OFFICERS AT THE YORK COUNTY PRISON IS NOT BEING TRAINED  
PROPERLY TO DEAL WITH INMATES ON A RATIONAL LEVEL TO MANY  
INMATES ARE EXPERIENCING UNNECESSARY BEATINGS BY THEM evidence  
SUPPORTED BY PREVIOUS LAWSUITE AT YORK COUNTY PRISON

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: June 16, 2018

Signature of Plaintiff

Printed Name of Plaintiff

Andre O'Brien

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

NA Pro-se litigant

STATEMENT OF CLAIM:ON 4/12/2018 I ANDRE O"BRIEN WENT TO ADMISSIONS TO OBTAIN SOME PAPER WORK,AND I EXPLAINED TO OFFICER ROBERT AXE THAT I NEEDED A WHEEL CHAIR,HE TOLD ME NO,AND ANOTHER OFFICER OFFERED TO GIVE ME A WHEEL CHAIR WHICH ROBERT AXE REFUSED ME.ONCE I GOT MY PAPER WORK I FELT SOMETHING IN MY ANKLE SHIFT/MOVED,I ONCE AGAIN ASKED FOR A WHEEL CHAIR AND I WAS DENIED.SO I LEANED UP AGAINST THE HOLDING TANK WINDOW,TO TRY AND RELIEVE THE PAIN IN MY ANKLE ,WHICH AT THIS TIME I WAS PUT HANDCUFFS.WHEN THE OFFICER WENT TO MOVE ME MY ANKLE GAVE OUT.I LIFTED UP MY GOOD ANKLE AND WAS CARRIED INFRONT OF FEMALE MEDICAL AND THROWN AGAINST THE WALL,AND THAN I WAS SLAMED INTO THE ERC CHAIR.AFTER I WAS STRAPPED INTO THE CHAIR THE OFFICER STARTED TAKING OFF THE HANDCUFFS,BEFORE THE CUFF'S WAS OFF THEY STATED I WAS RESISTING,I MADE NO MOVES TO RESIST,THE OFFICER TOOK MY WRIST AND TWISTED AND BENT IT INWARDS I STARTED SCREAMING THAT YOUR BREAKING MY RIST,AND ONE OF THE OFFICER HEARED ME SCREAMING AND CAME FROM AROUND THE CORNER TO INVESTIGATE WHAT WAS GOING ON WITH ME,AND OBSERVED THE ILLEGAL POSITION THAT THEY HAD ME IN OFFICER "MARKS" HE TRIED TO HURRY UP AND HAVE ME SECURED INTO THE CHAIR CORRECTLY AND WHICH OFFICER MARKS DID.THEY TOOK ME TO MEDICAL TO ASK ME WHAT WAS WRONG AND I TOLD THE DOCTOR THAT MY WRIST WAS BROKE:HE THAN INFORMED ME THAT MY WRIST WAS SWOLLEN BECAUSE THE CUFFS WAS TO TIGHT.OFFICER LOOSEN ONE OF THE STRAPS ON MY RIGHT ANKLE FROM A PREVIOUS INJURY,I WAS THAN WHEELED TO MY CELL AT WHICH POINT MY CLOTHING WAS CUT OFF ME,AND SOMETHING WAS TIDE TO THE HANDCUFFS FROM BEHIND,I WAS THAN PUT INTO MY CELL AND YANKED BACK TO THE DOOR TO WHAT EVER WAS TIDE TO THE CUFF'S.NO WHITE SHIRT SUPERVISOR WAS PRESENT TO OVERSEE MY SITUATION UNTIL AFTER GOING TO MEDICAL.THE NEXT DAY BOTH MY WRIST WERE X-RAYED,AND 4/16/2018 I WAS TAKEN TO WELLSPAN ORTHO URGENT CARE AND MY LEFT WRIST WAS CASTED "FOUR WEEKS" AND THOSE

FOUR WEEKS WERE UP IT WAS CASTED FOR AN ADDITIONAL FOUR WEEKS.I HAVE NO FEELING IN MY LEFT THUMB,PAIN STILL IN MY LEFT WRIST,I'M UNABLE TO SQUEEZE MY HAND INTO A FIST MOTION IN BOTH HANDS,I ALSO NOW HAVE TO WALK WITH A CAIN,FROM WHEN THE OFFICERS STEPPED ON MY ANKLE IN THE PROCESS OF TAKING OFF MY HANDCUFFS FROM THE BACK.THE WHITE SHIRT WAS THERE AND HAD A BODY CAM ON,AND I REQUEST THE VIDEO FOOTAGE BE SUBPEONAED TO SUPPORT MY ALLEGATION,AND THE YORK COUNTY PRISON HAVE ALL MEDICAL REPORTS TO WHAT WAS BROKEN SPRAINED ETC.I SINCERELY ASK THE COURTS TO GRANT ME PUNITIVE AND COMPENSATORY DAMAGES IN THE AMOUNT OF \$3,000,000.AS A RESULT OF THIS I HAVE NIGHT MARE'S,I TAKE PSYCHTROPIC MEDICATIONS,AND THE PEOPLE THAT WERE REPOSIBLE UNDER THIS CONSTITUTIONAL INJURY WAS ACTING UNDER THE COLOR OF STATE LAW.THANK YOU VERY MUCH FOR HEARING MY COMPLAINT,AND IF YOUR NEED ANYTHING ELSE PERSUAT TO THIS LITIGATION PLEASE FEEL FREE TO CONTACT ME AT THE SAID ADDRESS ABOVE.

SINCERELY,

C.C.FILE:

THIS DOCUMENT IS LEGALLY NOTARIZED BY THE UNDERSIGN AS TRUE AND CORRECT UNDER TITLE 28  
U.S.C. SECTION 1746

x Anche O'Brien

SIGNATURE

C.C.FILE:



## YORK COUNTY PRISON

DISCIPLINARY REPORT ☒  
 ADMINISTRATION SEGREGATION ☐

INMATE'S NAME O'Brien, Andre POUCH # 230875  
 INMATE'S HOUSING UNIT 4/12/18 DATE OF INCIDENT 4/12/18 TIME OF INCIDENT approx 8:00pm  
 LOCATION OF INCIDENT Admissions

## CHARGES

CHARGE 1 Interfering with staff in performance of duties CODE 198  
 CHARGE 2 Conduct that disrupts or interferes with facility CODE 199  
 CHARGE 3 Refusing to obey the order of staff member CODE 307  
 CHARGE 4 \_\_\_\_\_ CODE \_\_\_\_\_  
 CHARGE 5 \_\_\_\_\_ CODE \_\_\_\_\_

## DESCRIPTION OF INCIDENT

On the above date and approximate time I, officer Axe #1184 was escorting I/m O'Brien, Andre # 230875 to admissions to see the sheriffs. Once I/m O'Brien was finished with the sheriffs this officer attempted to escort I/m O'Brien back to Crossfalls. This I/m stated "I ain't fucking walking back." This officer ordered this I/m to walk, but I/m O'Brien refused. That's when hand restraints were applied to this I/m. As officers were escorting this I/m he refused to walk by lifting his legs up and dropping all his weight. This I/m was placed against the wall then being placed in the Emergency Restraint Chair

[Signature] #1184  
 Signature of Officer preparing report

4/12/18  
 Date report was prepared

Robert Axe  
 Print first and last Name, Clock # of reporting officer

8:30pm  
 Time report was prepared

[Signature] #807

York County Prison - DISCIPLINARY REPORT (Additional Info.)

Disciplinary

Inmates Name: Chiten, Andre

Incident Date: 7/12/18 Time: approx. 8:11

Type Info Reported: \_\_\_\_\_

"ERC." This I/m became combative and and was refusing to let officer place his hands into the ERC. This officer gave multiple orders to stop resisting but this I/m refused all orders and stated "I'll catch you all on the streets. This I/m was fully secured with no further issue.

RE:ANDRE O"BRIEN #230875

3400 CONCORD RD. YORK PA.

17402 June 25, 2018

10F4 PAGES

Circle O Box # 238375

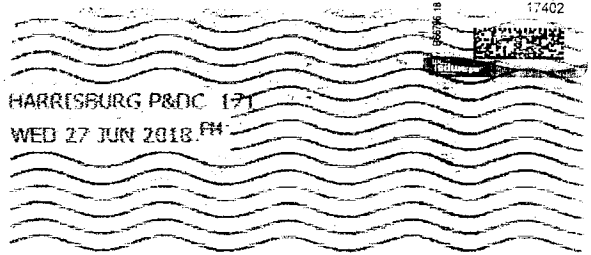
3400 Concord Road

York, Pa 17402

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THIS CORRESPONDENCE ORIGINATES  
FROM AN INMATE INSTITUTION

RECEIVED  
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JUN 28 2018  
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Office of the Clerk  
United States District Court  
Middle District of Pennsylvania  
William J. Nealon Federal Bldg. + U.S. Courthouse  
235 North Washington Avenue  
P.O. Box 1148  
Scranton, PA 18501-1148